IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

NOTICE OF MOTION NO.242 OF 2004

IN

PETITION NO.114 OF 2002

Re: Nayan Premchand Shah..Insolvent.

Ex-parte:

Mr. Mansukhlal C. Shah ..Petitioning Creditor.

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Mr.A.I. Khan i/b K.J. Somane for the Insolvent.

Mr. K.B.Poojari, Official Assignee present.

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CORAM : DR.D.Y.CHANDRACHUD, J.

15th February, 2005.

P.C. :

This is a Motion for annulment of an order of adjudication under Section 21(1) of the Presidency Town Insolvency Act, 1909. The Official Assignee who is before the Court states that the insolvent has neither met the claim of the Petitioning Creditor inspite of the fact that he has been given sufficient time by the Court, nor has he for that matter settled with the Creditors. The Motion has not been served on the Petitioning Creditors. Having regard to this factual position, I find that the Motion is premature and is

accordingly rejected.